

EXHIBIT A

Plaintiffs' Revised Designations

William Condon – July 29, 2020												
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Ruling
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End		
5	10	5	15				9	10	9	13	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.	
5	20	6	1				14	25	15	1		
8	10	8	18				15	3	16	9		
10	15	10	17				31	4	31	5		
10	22	10	25				34	4	34	20		

Plaintiffs' Revised Designations

11	8	11	20	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	On day 1 of Mr. Condon's deposition, the videographer Rearden ordered did not appear. Consequently, there is no video transcript. But the videos are exhibits to the deposition and the referenced portions may be played to the jury. Rearden addressed this issue on day 2 of the deposition, and may choose to present the video transcript of that deposition in lieu of this and the following designations from day 1.		35	11	36	15		
12	13	12	15				39	20	40	9		
12	18	12	21	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.		41	4	41	6		
13	2	13	6	13:3-6: 1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.			51	12	51	14		
13	11	13	11				51	17	51	20		
14	6	14	7				57	15	57	22		

Plaintiffs' Revised Designations

14	10	14	17	14:10-16: 1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.		60	2	60	9		
14	20	14	23				60	18	62	5		
18	16	18	18									
18	22	18	24	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
19	14	20	6									
20	8	20	9									
20	15	20	16									
20	24	21	4	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
21	11	21	15									

Plaintiffs' Revised Designations

21	18	21	22	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
22	1	22	5									
22	8	22	8	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Rearden's original designation inadvertently omitted the witness's answer to the question. Both parties have supplemented their original designations to include such inadvertently omitted material. Rearden has not objected when Disney did so, and the Court should overrule Disney's objection here.							

Plaintiffs' Revised Designations

26	25	27	5	1002, 403, F, 701 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how the MOVA technology, as opposed to other technology or artistry, contributed to the on-screen appearance of the Beast.	See above. Also, the question does not call for inadmissible opinion testimony. Mr. Condon answers questions based on his percipient knowledge. Disney's foundation objection is merely argument relating to its theory of the case.							
27	10	27	12									
27	20	27	25									
28	8	28	9									
28	14	28	19									
28	23	31	3	28:23-29:1: ATT, 402, 403 - Attorney objections are not relevant and may cause the jury to draw improper and prejudicial inferences. All objections and colloquy should be omitted.	This designation includes no objections, and the only "culloquy" is a representation Disney's counsel made on the record to answer a question that the witness could not answer.							
31	6	31	19	31:17-19: F, 701 - This question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony on re-direct (Volume 2) demonstrates that he lacks foundation to opine about how the MOVA technology, as opposed to other technology or artistry, contributed to the on-screen appearance of the Beast.	Disney is just arguing its theory of the case. Mr. Condon testified based on his percipient knowledge.							
31	23	31	23									

Plaintiffs' Revised Designations

32	18	33	1									
33	4	33	6									
33	10	34	3									
34	21	34	23	34:21-22: S - The witness testified that he never reviewed or provided feedback on this document, so the question of how any feedback would have handled had it been given is purely speculative.	The question was directed to the process of creating the document and the purpose for soliciting Mr. Condon's feedback.							
36	16	37	14	37:9-13: CD - The question is compound and it is unclear which question the witness is answering.	If Disney is confused, that is what cross examination is for.							
38	13	39	1									
40	11	41	3									
41	7	42	19	41:8: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	These designations were inadvertently omitted from Rearden's original designations.							
42	22	43	8									
47	4	47	7	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	Rearden intends to display the video referenced in the testimony to the jury.							

Plaintiffs' Revised Designations

47	13	47	13	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
47	23	48	8									
48	11	48	12	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
48	17	48	19	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							

Plaintiffs' Revised Designations

48	25	49	2	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself. 1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
49	6	49	7	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							

Plaintiffs' Revised Designations

49	10	49	10	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
49	18	49	19	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
49	23	49	25	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							

Plaintiffs' Revised Designations

50	22	51	1	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
51	3	51	8	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
52	20	53	22	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	See above.							
54	18	55	2									
55	7	55	15									
56	2	56	9	DOC, H - This testimony concerns a document that is not a trial exhibit and may not be published to the jury; in addition, counsel's question contains hearsay that is being offered for truth and is not subject to any exception.	The testimony concerns Condon's personal knowledge, not the document.							

Plaintiffs' Revised Designations

56	14	57	13	56:14-22: DOC, H - This testimony concerns a document that is not a trial exhibit and may not be published to the jury; in addition, counsel's question at lines 17-19 contains hearsay that is being offered for truth and is not subject to any exception.	See above.							
				57:2: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	This line was inadvertently omitted from Rearden's original designations.							
				57:7-13: 1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself. Further, Defendant objects to the incomplete designation of the question without the witness's answer. The answer must also be designated by Plaintiffs and counted against Plaintiffs' allotted time for presentation of evidence.	Rearden will play the recording for the jury. Rearden withdraws 57:7-13.							

Plaintiffs' Revised Designations

58	11	58	16	1002, 403, F, 701 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself. Further, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony on re-direct (Volume 2) demonstrates that he lacks foundation to opine about how the MOVA technology contributed to the on-screen appearance of the Beast.	Rearden will play the recording for the jury. Disney's foundation objection is merely an argument of its theory of the case.							
58	20	59	2	58:21: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	These designations were inadvertently omitted from Rearden's original designations.							

Plaintiffs' Revised Designations

				58:22-59:1: 1002, 403, F, 701 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself. Further, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony on re-direct (Volume 2) demonstrates that he lacks foundation to opine about how the MOVA technology contributed to the on-screen appearance of the Beast.	Rearden will play the video for the jury. Disney's foundation objection just reargues their theory of the case. Conon testified as to his recollection of what he said.							
59	9	59	13	1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	Rearden will play the video for the jury.							
59	16	59	23	59:20-22: 1002, 403 - If Plaintiffs choose to read this testimony to the jury, Plaintiffs must also present the recording about which the witness is being examined; it is confusing and unduly prejudicial for the jury to hear testimony about a recording that is not before them and FRE 1002 prohibits the submission of counsel's characterization of contents in lieu of the recording itself.	Rearden will play the video for the jury.							

Plaintiffs' Revised Designations

66	9	66	14	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	These lines merely provide context for the testimony that follows, to which Disney does not object							
				DOC - This testimony concerns a document that is not a trial exhibit and may not be published to the jury.	Rearden does not intend to publish documents that are not trial exhibits.							
71	6	71	15	DOC, H - This testimony concerns a document that is not a trial exhibit and may not be published to the jury. Further, counsel's question at lines 6-10 includes hearsay that is being offered for truth and is not subject to any exception.	The question is not hearsay, because it is not evidence, and not offered for the purpose of proving the matter asserted. The question is addressed to Condon's percipient knowledge.							
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Wrong. We previously designated 71:5-71.23.							
85	8	85	9									

Plaintiffs' Revised Designations

85	12	87	14	87:11-14: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	This testimony was inadvertently omitted from Rearden’s original designations.							
92	23	94	3	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct.	The testimony does not say that the referenced conduct occurred after the injunction. And the Court has not ruled that post-injunction evidence is inadmissible for any purpose.							
William Condon – July 30, 2020												
103	25	104	3				104	4	104	13		
104	14	104	25				125	5	125	9		
106	25	107	8	107:3-7: 1002, 403 - Misstates Mr. Condon’s Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs’ allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel’s characterization of Mr. Condon’s testimony in lieu of the testimony.	This objection makes no sense. Furthermore, the question does not misstate testimony.		126	12	126	21		

Plaintiffs' Revised Designations

107	10	107	18	107:14-18: 1002, 403 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony.	See above.		126	24	127	6		
107	21	108	8	108:2-8: 1002, 403 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony.	See above.		127	7	127	12		
108	12	108	18				127	19	128	8		

Plaintiffs' Revised Designations

108	21	109	5	108:25-109:5: 1002, 403 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony.	See above.		128	10	128	10		
109	9	109	9				128	15	128	19		
109	12	109	18				129	12	130	6		
109	21	110	9				130	10	130	25		
110	13	111	2	110:25-111:2: 1002, 403, F, 701 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above. Furthermore, there is no inadmissible opinion testimony. Condon testified from his percipient knowledge. Disney is just arguing its theory of the case rather than stating an evidentiary objection.		185	18	186	22		

Plaintiffs' Revised Designations

111	6	111	11	111:9-11: 1002, 403, F, 701 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		186	24	186	24		
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Plaintiffs' Revised Designations

111	15	111	21	111:20-21: 1002, 403, F, 701 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		187	2	187	7		
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Plaintiffs' Revised Designations

112	1	112	8	112:6-8: 1002, 403, F, 701 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		187	10	187	22		
112	12	112	18	112:18: F, 701 - This question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		188	9	189	8		

Plaintiffs' Revised Designations

112	22	113	13	113:2-4: 1002, 403, F, 701 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		189	10	189	10		
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Plaintiffs' Revised Designations

				113:9-13: 1002, 403, F, 701 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		189	12	190	5		
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Plaintiffs' Revised Designations

113	17	113	24	113:21-24: 1002, 403, F, 701 - Misstates Mr. Condon's Vol. 1 testimony. If Plaintiffs choose to present this testimony to the jury, they must also present the testimony to which counsel is referring and the entire presentation should be counted against Plaintiffs' allocated time for the presentation of evidence. It would be confusing and prejudicial, and would not be permissible under FRE 1002, for the jury to be presented with counsel's characterization of Mr. Condon's testimony in lieu of the testimony. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		190	8	190	10		
114	3	114	9	114:7-9: F, 701 - This question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.		190	12	191	16		
114	13	114	13				191	18	192	1		
121	18	121	21				192	3	193	12		
122	2	123	1				193	13	194	24		
123	13	123	15	F, 701 - This question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.							

Plaintiffs' Revised Designations

123	19	124	8	124:6-7: F, 701 - This question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.							
124	11	124	23	124:22-23: F, 701, 403 - Misstates the witness's testimony; the witness was referring to the one image in the trailer, not the entire scene. Counsel's inaccurate characterization creates a prejudicial risk of jury confusion about MOVA's use in the entire scene, which will likely be a focus of Plaintiffs' causal nexus presentation at trial. In addition, this question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	See above.							
125	4	125	4									
125	10	125	21									
125	24	126	1									
126	4	126	11									
134	3	134	4	DOC - This testimony concerns a document that is not a trial exhibit and may not be published to the jury	Rearden does not intend to publish documents that are not trial exhibits.							
135	16	136	11	DOC - This testimony concerns a document that is not a trial exhibit and may not be published to the jury	Rearden does not intend to publish documents that are not trial exhibits.							
136	23	136	25									

Plaintiffs' Revised Designations

149	18	149	24	149:24: F, 701 - This question calls for improper opinion testimony; Mr. Condon is not a visual effects or technical expert and his testimony demonstrates that he lacks foundation to opine about how MOVA contributed to the on-screen appearance of the Beast.	Condon is testifying with respect to his percipient knowledge. Disney is just arguing its theory of the case.							
150	4	150	4									
159	4	159	14	DOC, 402, 403 - This testimony concerns a document that is not a trial exhibit and may not be published to the jury. Further, evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.	Rearden does not intend to publish documents that are not trial exhibits. The Court has not ruled that post-injunction evidence is inadmissible for any purpose.							
164	14	165	2	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.	The Court has not ruled that post-injunction evidence is inadmissible for any purpose.							

Plaintiffs' Revised Designations

Steve Gaub - March 4, 2023														
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Defendant's Confidentiality Designation	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Defendant's Confidentiality Designation	Ruling
Page Start	Line Start	Page End	Line End					Page Start	Line Start	Page End	Line End			
8	9	8	16		Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.			31	13	31	14	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignation.		
8	25	9	1					31	16	31	17			
10	6	10	11					31	19	31	21			
18	8	18	9	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		Confidential		31	24	32	1			
19	1	19	12			Confidential		32	3	32	6			
19	16	19	21			Confidential		32	8	32	11			

Plaintiffs' Revised Designations

21	18	21	20	S, 402. Mr. Gaub does not work for DD3 and does not know Mr. Port's role; Mr. Port himself testified to his role.	Confidential		32	22	33	10			
21	22	21	22		Confidential		33	12	33	19			
22	10	22	12	22:10-11: V, L. Vague as to "report to" and calls for a legal conclusion to the extent it is asking about the legal relationship between the two men who did not work for the same company.	Confidential		35	6	35	13			
22	24	23	5		Confidential		35	15	35	18			
23	12	23	19	23:14-19: 402, L. Lay witness's understanding of a contract he has not seen before is irrelevant, calls for a legal interpretation of the contract.	Confidential		36	7	36	17			
25	8	25	11	25:8-10: ATT, Arg, L, F, 402/403. Question includes counsel's interpretation of the meaning of the contract and asks Mr. Gaub to read and interpret a contract to which he is not a party; the witness's answer that he cannot interpret the contract is not relevant to any claim in the case.	Confidential		45	20	46	15			
25	15	25	18	25:15-16: ATT, Arg, 402/403, V. Question includes counsel's interpretation of the meaning of the contract; vague and ambiguous as to "the producer" in this context.	Confidential		58	14	58	17		Confidential	
30	16	30	18				68	14	68	19			
30	20	31	5				68	25	69	7			
31	7	31	11				74	18	74	22			
33	21	35	5				76	15	77	4			
57	18	57	21		Confidential		79	10	79	13			
58	9	58	13		Confidential		79	16	79	19			
58	18	58	22		Confidential		79	21	79	24			
59	1	59	3	Arg, ATT, L, 103, 402, 403. Question assumes an interpretation of a contract which Mr. Gaub is not a signatory to and testified he did not recognize.	Confidential		81	23	81	25			
59	5	59	10		Confidential		82	2	82	11			
59	12	59	16	59:15-16: Arg, ATT, L, 103, 402, 403. Question assumes an interpretation of a contract which Mr. Gaub is not a signatory to and testified he did not recognize.	Confidential		83	14	83	16			

Plaintiffs' Revised Designations

59	18	60	2	59:23-60:2: Arg, ATT, L, 103, 402, 403. Question assumes an interpretation of a contract which Mr. Gaub testified he did not recognize.	Confidential		83	18	83	21			
60	4	60	10	60:6-10: Arg, ATT, L, 103, 402, 403. Question assumes an interpretation of a contract which Mr. Gaub is not a signatory to and testified he did not recognize.	Confidential		83	23	84	2			
60	17	60	17		Confidential		93	10	93	10			
62	23	63	2	Arg, ATT, L, 103, 402, 403. Question assumes an interpretation of a contract which Mr. Gaub is not a signatory to and testified he did not recognize.	Confidential		93	12	93	15			
63	4	63	7	63:6-7: Arg, ATT, L, 103, 402, 403. Question assumes an interpretation of a contract which Mr. Gaub is not a signatory to and testified he did not recognize.	Confidential		93	17	93	20			
63	9	63	10		Confidential		94	12	94	15			
64	9	64	9				94	21	94	23			
64	21	65	14	65:11-14: S, 402, 403. Mr. Gaub is not a Disney employee is being asked to speculate as to whether a disney email address correlates with employment in all instances.			100	22	101	7			
65	17	66	16	65:21: S, 402, 403. Mr. Gaub is not a Disney employee is being asked to speculate as to whether a disney email address correlates with employment in all instances.			105	5	105	6			
				65:23-66:4: 402, 403, 103, Arg, ATT, H. Plaintiffs' counsel is merely reading excerpts from a document that the witness has not seen; no relevance to the fact that the witness sees what counsel is reading; none Disney employee's email statements are hearsay to which no exception applies.			105	8	105	11			
				66:6-11: 402, 403, 103, Arg, ATT, H. Plaintiffs' counsel is merely reading excerpts from a document that the witness has not seen; no relevance to the fact that the witness sees what counsel is reading; none Disney employee's email statements are hearsay to which no exception applies.			105	14	105	15			

Plaintiffs' Revised Designations

				66:13-20: 402, 403. Irrelevant whether an independent contractor was ever shown a a press inquiry sent to Disney.				107	15	107	18			
66	19	66	20	402, 403. Irrelevant whether an independent contractor was ever shown a a press inquiry sent to Disney.				107	23	108	14			
66	24	66	24					108	16	108	20			
67	15	67	16					108	23	109	9			
68	8	68	13					110	5	110	8			
68	20	68	24	402, 403, 103, Arg, ATT, H. Plaintiffs' counsel is merely reading excerpts from a document that the witness has not seen; no relevance to the fact that the witness sees what counsel is reading, and the contents of the news article are hearsay to which no exception applies.				110	11	111	8			
69	8	69	16	402, 403, F. Question assumes someone at Disney who knew of Mr. Gaub read the article, an assumption for which there is no foundation. Irrelevant whether anyone from Disney called an independent contractor's attention to a news article				118	7	118	9			
73	19	73	25	402, 403, H, Untimely. Designation is irrelevant after the Court's MSJ ruling on post-injunction work and was added late and after that ruling.				142	22	142	25			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
74	2	74	5	402, 403, H, Untimely. Designation is irrelevant after the Court’s MSJ ruling on post-injunction work and was added late and after that ruling.				143	2	143	3			

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).									
75	1	75	4	402, 403, H, Untimely. Designation is irrelevant after the Court’s MSJ ruling on post-injunction work and was added late and after that ruling.			144	18	145	8			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).									
75	6	75	6	402, 403, H, Untimely. Designation is irrelevant after the Court’s MSJ ruling on post-injunction work and was added late and after that ruling.			145	10	146	5			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).									
77	5	78	5				146	16	146	16			
78	9	78	11				146	18	147	8			
78	13	78	15										
78	17	78	17										
80	2	80	23										

Plaintiffs' Revised Designations

80	25	81	9											
82	13	82	16	F, Arg, S. Question assumes that "editorial made the selections," an assumption that is contrary to prior testimony and lacks foundation. Calls for speculation about what other individuals may have done.										
82	19	83	1											
95	1	95	20	95:2-13: 402, 403, H, L, ATT. Counsel is merely reading an article the witness has not seen; the injunction and any subsequent conduct is no longer relevant after the Court's MSJ ruling, the article's headline is hearsay being used for the truth of the matter.										
				95:17-20: 402, 403, ATT, F Question assumes facts for which there is no foundation; the injunction and any subsequent conduct is no longer relevant after the Court's MSJ ruling, the article's headline is hearsay being used for the truth of the matter.										
95	24	95	24											
96	11	96	14	402, 403, ATT, F Question assumes facts for which there is no foundation; the injunction and any subsequent conduct is no longer relevant after the Court's MSJ ruling, the article's headline is hearsay being used for the truth of the matter.										
96	17	96	17											
98	22	98	25											
99	13	100	8	99:13-19: 402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; counsel is merely reading a document into the record										

Plaintiffs' Revised Designations

				99:21-100:3: 402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; counsel is merely reading a document into the record										
				100:5: 402, 403. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction.										
100	13	100	18	100:13-17: 402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; counsel is merely reading a document into the record										
101	9	101	10	402, 403, V, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; question is vague as to "selection" and argumentative.										
101	16	101	22	402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; counsel is merely reading a document into the record										
104	14	104	21	402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; counsel is merely reading a document into the record										

Plaintiffs' Revised Designations

105	17	105	21	402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the question is plainly argumentative.										
106	1	106	10	106:7-10: 402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the question is plainly argumentative.										
106	13	106	13	402, 403, ATT, Arg. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the question is plainly argumentative.										
106	16	106	17											
115	17	115	21											
115	25	116	12	115:25-116:5: 402, 403, ATT, Arg, H. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the contents of the email are hearsay to which no exception applies including because counsel has not laid a business record; counsel is merely reading portions of the email into the record.										
				116:7-9: 402, 403, ATT, Arg, H. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the contents of the email are hearsay to which no exception applies including because counsel has not laid a business record; counsel is merely reading portions of the email into the record.										

Plaintiffs' Revised Designations

				116:11-12: 402, 403, ATT, Arg, H. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the contents of the email are hearsay to which no exception applies including because counsel has not laid a business record.										
116	15	116	17											
116	20	117	15	116:20-25: 402, 403, ATT, Arg, H. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the contents of the email are hearsay to which no exception applies including because counsel has not laid a business record; counsel is merely reading portions of the email into the record.										
				117:2-10: 402, 403, ATT, Arg, H. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the contents of the email are hearsay to which no exception applies including because counsel has not laid a business record; counsel is merely reading portions of the email into the record.										
				117:12-15: 402, 403, ATT, Arg, H, S. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the contents of the email are hearsay to which no exception applies including because counsel has not laid a business record; counsel is merely reading portions of the email into the record; calls for speculation as to intent of the email author										

Plaintiffs' Revised Designations

117	18	118	1	117:23-118:1: 402, 403, ATT, Arg, H, S. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; the contents of the email are hearsay to which no exception applies including because counsel has not laid a business record; counsel is merely reading portions of the email into the record; calls for speculation as to intent of the email author; counsel's argument that there is "no ambiguity" is improper statement and not a question -- indeed, counsel marked only his own question and not the witness answer									
118	15	118	19	118:15-18: 402, 403, ATT, Arg, S. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; question calls for third party to speculate about communications between Disney and DD3.									
119	8	119	11	402, 403, ATT, Arg, S. Post injunction activity is irrelevant after Court's MSJ ruling; question is intended to suggest -- contrary to MSJ -- that MOVA was used for BATB post injunction; question calls for third party to speculate about communications between Disney and DD3.									
119	13	119	15										

Plaintiffs' Revised Designations

Darren Hendler - June 12, 2020												
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Ruling
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End		
5	4	5	6		Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.		18	15	19	8	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignations.	
6	11	6	21				29	18	29	19		
10	23	10	25				29	23	30	13		
11	12	11	17				41	4	41	13		
12	3	12	9				42	8	42	10		
12	18	13	9				42	16	42	17		
14	8	14	25				42	22	43	12		
18	9	18	11				43	14	43	18		
18	13	18	13				44	5	44	7		
19	9	19	12				44	10	44	14		
19	14	19	16				64	9	64	19		

Plaintiffs' Revised Designations

23	2	23	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			65	24	66	7		
28	4	28	8	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
28	11	28	15									
29	6	29	8									
29	14	29	17									
31	10	31	25									
32	8	32	11									
32	24	33	2									
33	7	33	18									
33	23	34	12									
36	1	36	3									
36	10	36	18									

Plaintiffs' Revised Designations

36	20	37	17	37:5-17: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
37	23	38	6									
38	25	39	2									
40	24	40	25									
41	2	41	2									
49	22	50	14									
49	22	50	14									
49	11	49	17									
52	25	53	11									
Darren Hendler - February 16, 2023												
133	6	133	13				145	25	146	1		
133	18	133	22				146	12	146	14		
134	8	134	19				151	20	152	18		
142	10	142	11	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			169	21	170	8		

Plaintiffs' Revised Designations

144	24	145	4	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			228	1	228	4		
145	22	145	24				229	15	229	15		
149	2	149	9				229	17	231	6		
150	12	150	16				236	14	237	7		
151	10	151	13	V, 402, 403 - The question does not define what a "similar" declaration is, and LaSalle's declaration is not similar and not in evidence.			310	17	310	20		
151	18	151	18				310	22	310	22		
155	5	155	9				310	25	311	9		
160	9	160	11				339	8	339	13		
160	13	160	13				339	18	339	18		
160	22	161	1	160:22-24: 402/403: Evidence of the injunction is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.			340	21	341	1		
163	1	163	22				344	12	346	7		
164	1	164	22				354	15	354	21		
165	1	165	11				356	5	356	11		
168	7	169	1				356	18	356	20		
171	25	172	12				357	7	357	11		
185	12	185	22				360	5	360	19		
186	8	186	19				360	24	361	6		
186	24	187	11				361	9	361	25		
188	2	188	4				371	2	371	20		
188	7	188	7				382	1	382	23		
188	9	188	12				383	1	383	6		
191	7	191	13				385	9	385	17		
192	2	192	4				407	2	407	15		
192	6	192	8				407	17	407	21		
192	10	192	13				407	23	407	23		

Plaintiffs' Revised Designations

192	15	192	17				413	4	414	23		
193	9	193	11				419	14	420	7		
193	15	193	20				420	11	420	24		
193	22	193	22				421	6	421	8		
194	14	194	18				423	12	423	19		
194	21	194	21				423	25	426	15		
197	3	197	5				502	12	503	4		
197	8	197	8				506	3	506	19		
197	10	197	14									
197	16	197	19									
197	22	198	1									
200	1	200	4									
200	18	200	22									
213	14	213	20	402/403: Evidence of the SHST trial should be excluded based on the court's ruling on Defendant's motion in limine No. 1. That order specifies the court will tell the jury exactly what will be said about the resolution of the SHST litigation.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
214	4	214	11	214:7-10: 402/403: Evidence of the SHST trial should be excluded based on the court's ruling on Defendant's motion in limine No. 1. That order specifies the court will tell the jury exactly what will be said about the resolution of the SHST litigation.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
214	14	214	17	402/403 - The asset-return and special-master proceedings postdate the filing of this lawsuit, have nothing to do with Defendant's alleged liability, and have no relevance to any issue in this case.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
215	4	215	4	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
227	19	227	25									

Plaintiffs' Revised Designations

232	24	233	2									
233	13	234	9									
234	13	234	15									
234	18	234	20									
236	2	236	13									
237	8	237	23									
240	2	240	5									
242	9	242	19									
306	24	307	3	306:24-307:2: H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				306:24-307:2: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
307	7	307	23	307:7-13: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

				<p>307:16-17: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>									
				<p>307:19-22: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>									
308	6	308	11	<p>308:6-10: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>									

Plaintiffs' Revised Designations

308	18	309	10	<p>308:18-22: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
				<p>308:24-25: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
				<p>309:3-9: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								

Plaintiffs' Revised Designations

309	21	310	2	<p>309:21-310:1: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
310	12	310	16	<p>310:12-15: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
311	19	312	12	<p>311:19-312:1: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								

Plaintiffs' Revised Designations

				312:3: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
				312:5-6: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
				312:8-11: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

314	21	315	5	<p>314:21-23: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
				<p>314:25-315:2: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
316	25	317	19	<p>316:25-317:5: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								

Plaintiffs' Revised Designations

				317:8-9: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				317:13-15: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				317:17-19: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
317	22	317	22									
317	24	318	7									
318	10	318	10									
318	12	318	14									

Plaintiffs' Revised Designations

320	4	320	9	<p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
320	11	320	11									
320	13	320	23	<p>312:13: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
				<p>320:17-19: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								

Plaintiffs' Revised Designations

				320:21-23: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
320	25	321	1									
326	2	326	3									
326	8	326	25									
327	15	327	22	327:15-18: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

328	6	328	8	<p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
328	10	328	13									
329	23	330	5	<p>ARG - The preamble to the question is argumentative and counsel narrating his own opinions about the evidence.</p> <p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
330	7	330	7									

Plaintiffs' Revised Designations

330	9	330	16	<p>330:9-12: ARG - The question is argumentative.</p> <p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
				<p>330:14-16: ARG - The question is argumentative</p> <p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
330	20	330	20									

Plaintiffs' Revised Designations

330	22	331	5	<p>330:22-24: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
				<p>331:1-5: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
331	9	331	9									
331	15	331	18	<p>331:15-17: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								

Plaintiffs' Revised Designations

331	24	331	25									
332	5	333	1	<p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
333	5	333	9	<p>335:5-8: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								
333	14	333	16	<p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p>								

Plaintiffs' Revised Designations

334	3	334	10	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
334	14	334	18	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
334	20	334	20									
334	22	335	8	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
338	9	338	16									
338	22	339	5									
355	13	355	16									

Plaintiffs' Revised Designations

380	25	381	8	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
381	18	381	25	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
437	17	437	25									
438	6	439	1									
441	16	441	25									
442	2	442	5									
442	8	443	18									
480	21	480	21									
481	3	481	5									
482	19	483	9									
483	12	483	13									
483	22	484	18									
485	9	485	25									
486	2	486	3									
486	10	489	23									
490	9	490	24									
491	2	491	5									

Plaintiffs' Revised Designations

491	8	491	20	491:19: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
492	6	492	8									
492	12	492	15									
493	2	493	7									
496	10	496	15									
496	17	496	17									
496	19	496	24									
497	6	497	10									
497	18	498	18									
498	25	499	17									
499	24	501	9									
501	12	501	21									

Plaintiffs' Revised Designations

William Hendley - March 21, 2023												
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Ruling
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End		
8	9	8	13	8:12-13: 402 - The witness's home address is not relevant; there is no legitimate reason to disclose it publicly.	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.		33	14	33	20	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.	
12	25	13	2				38	3	38	4		

Plaintiffs' Revised Designations

14	4	15	13	14:9-15:5: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			38	7	38	9		
				15:9-13: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
18	8	18	10				39	1	39	11		
18	15	18	25				41	23	41	25		
19	2	19	9				43	24	44	2		
19	12	19	15				54	17	54	19		
19	20	19	25				54	21	54	21		
21	11	21	16									
21	20	21	23									
22	18	22	24									
23	1	24	4									
28	15	28	20									
28	22	28	23									

Plaintiffs' Revised Designations

31	3	31	20	31:3-5: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
32	12	32	21									
32	23	32	24									
35	6	35	20									
37	10	38	2									
40	13	41	1									
41	6	41	22									
42	1	42	19									
42	22	42	22									
43	2	43	23									
44	3	46	10									
48	15	49	14									
50	14	50	19									
54	7	54	9									
54	11	54	16									
76	7	76	12									
76	14	76	17									
76	19	76	23									
76	25	77	3									
77	5	77	14	77:10: ATT, 402, 403 - Attorney objections are not relevant and may cause the jury to draw improper and prejudicial inferences. All objections and colloquy should be omitted.								
77	16	77	19									
77	21	77	21									
78	12	78	14									
78	17	78	18									
78	21	78	23									
78	25	79	3									
79	5	79	8									
79	10	79	13									

Plaintiffs' Revised Designations

79	15	79	21									
79	23	80	1									
80	3	80	6									
80	8	80	11									
80	13	80	16									
80	18	80	21									
80	23	81	1									
81	3	81	6									
81	8	81	11									
81	13	81	16									
81	18	81	21									
81	23	82	1									
82	5	82	7									
82	9	82	12									
82	14	82	17									
82	19	82	22									
82	24	83	2									
83	4	83	7									
83	9	83	12									
83	14	83	17									
83	19	83	22									
83	24	84	2									
84	4	84	7									
84	9	84	12									
84	14	84	17									
84	19	84	22									
84	24	85	2									
85	4	85	7									
85	9	85	13									
85	15	85	19									
85	21	85	24									
86	1	86	1									

Plaintiffs' Revised Designations

David Hoberman - June 20, 2019											
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End	
5	11	5	14				58	5	58	8	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.

Plaintiffs' Revised Designations

5	22	6	7	6:2-7: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.							
46	18	46	21									
46	24	47	6									
47	9	47	15									
47	18	47	22									
47	25	48	1	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

48	7	48	8	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
48	24	48	25	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
49	5	49	8	49:5-6: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
49	12	49	13									
50	11	50	13									
50	18	50	18									
David Hoberman - March 4, 2020												
8	11	9	1				9	2	9	4		
9	16	9	23				9	6	9	6		
9	25	11	8				11	9	11	16		
11	20	12	4				15	9	15	10		

Plaintiffs' Revised Designations

13	8	13	14	F, H. No foundation for how Mr. Hoberman is aware of Mr. Condon's views. Further, any foundation would necessarily be based on Mr. Condon's out of court hearsay statements to Mr. Hoberman, which are being offered for the truth of his views.			15	12	15	12		
14	3	15	8				42	13	42	15		
15	14	15	15				48	18	48	25		
15	19	15	25				49	7	49	10		
36	17	37	7				49	11	49	13		
37	10	37	25				49	23	49	23		
38	21	39	8	H. Statement is being offered for the truth of Ms. Kennedy's out-of-court statement that "there does seem to be an appetite" for behind-the-scenes information.			51	21	51	24		
39	20	39	22	Lacks foundation, Hearsay. Mr. Condon's testimony at 39:9-19 makes clear that he does not know the basis for Ms. Kennedy's out-of-court hearsay statement that there is an "appetite for this"			52	2	52	3		
42	2	42	12	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			56	23	56	25		
48	3	48	11				57	2	57	2		
50	6	50	15				71	10	71	14		
51	2	51	12				71	15	71	19		
51	17	51	20				71	23	71	25		
52	6	52	8				73	17	74	8		
52	24	52	25				75	1	75	2		
53	2	53	4				75	6	75	6		
53	5	53	19				77	22	78	13		
53	21	53	21				78	14	78	17		

Plaintiffs' Revised Designations

55	6	55	14				78	19	79	5		
55	17	55	17									
55	20	56	22	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
65	7	65	14									
65	20	66	23									
66	25	67	1									
67	13	67	15									
67	18	67	20									
68	3	70	7	68:22-25: ATT, 402, 403: Attorney colloquy is not relevant and should be omitted.								
70	11	71	9	DOC; Rule 27. Document not disclosed on Plaintiffs' exhibit list.								
73	7	73	16	DOC, F, H. Document is not on Plaintiffs' exhibit list. No foundation authenticating this document as a business record. No foundation establishing its purpose, or if it was ever used.								
74	14	74	25									
75	21	75	25									
76	6	76	16	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
76	19	76	25									

Rearden LLC et al. v. Walt Disney Pictures et al.

4:17-cv-04006-JST-SK

Plaintiffs' Revised Designations

77	2	77	16								
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Plaintiffs' Revised Designations

Greg LaSalle - June 16, 2020											
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End	
8	22	9	10		Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.		129	17	129	24	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignations.
10	6	10	19				133	7	134	10	
15	11	15	13				136	5	136	9	
15	15	15	17				137	21	137	22	
15	19	16	4				137	24	138	6	

Plaintiffs' Revised Designations

16	20	16	24	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			167	5	167	17		
17	10	17	12				167	20	168	3		
17	18	18	10				168	22	168	24		
40	12	40	17				169	1	169	2		
46	11	46	15	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			170	25	171	3		
46	17	46	19	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			171	6	171	7		

Plaintiffs' Revised Designations

46	21	47	2	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			171	9	171	10		
47	4	47	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			171	16	171	18		
47	20	48	1	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

48	3	48	7	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
51	3	51	8	402, 403. Evidence of the injunction is irrelevant in light of the Court's summary judgment ruling that Disney is not liable for any post-injunction conduct								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
51	21	52	1	MIL 1: Court has excluded the PI Order. 402/403: Evidence of the injunction is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
52	8	52	21	MIL 1: Court has excluded the PI Order 402/403: Evidence of the injunction is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
53	6	54	9	53:7-54:9: MIL 1: Court has excluded the PI Order 402/403: Evidence of the injunction is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
54	19	55	4	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
57	2	57	4	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).									
57	6	57	7	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.									
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).									
59	4	59	20	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.									

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
91	9	91	12	DOC: This document is not a trial exhibit. 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
91	19	91	24	DOC: This document is not a trial exhibit. 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct								

Plaintiffs' Revised Designations

98	6	99	16	98:6-99:7: DOC: This document is not a trial exhibit. 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is A276not liable for any post-injunction conduct								
				98:6-7: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
				99:8-16: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
				99:8-11: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

101	22	102	7	DOC: This document is not a trial exhibit. 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
104	7	104	11	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
122	2	122	5	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
122	12	122	22	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
123	9	123	18	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

127	7	127	17	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
129	7	129	16	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
129	25	130	4	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
130	19	130	21	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

131	2	131	21	131:2-15: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				131:16-21: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
132	15	132	20	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
134	21	134	24	H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

135	7	135	12	135:7-9: H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
135	19	135	22	H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
135	24	135	24	H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
137	7	137	8	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

137	10	137	12	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
138	12	138	17	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
170	6	170	15									
170	18	170	23									
171	20	171	24	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

172	8	172	12	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
172	15	172	15	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
Greg LaSalle - February 14, 2023 30(b)(1)												
9	4	9	21			13	18	14	9			
9	24	9	24			21	2	21	14			
10	1	10	5			21	15	21	18			
10	7	10	11			21	20	21	20			

Plaintiffs' Revised Designations

11	14	11	24	11:14-23: FRE 804 (b)(1): Prior trial testimony may not be offered against Defendant, because VGH/SHST are not predecessors in interest to Defendant. If this exhibit is introduced or Plaintiffs otherwise make reference to the portion of the SHST trial testimony in which Mr. LaSalle mistakenly testified he told Disney about the letter he received from Mr. Perlman's attorneys, Defendant reserves the right to offer counter-designated testimony that Mr. LaSalle's recollection was not accurate and his discussions with Disney had terminated before he received the letter.		21	22	21	25			
12	4	12	7	FRE 804 (b)(1): Prior trial testimony may not be offered against Defendant, because VGH/SHST are not predecessors in interest to Defendant. If this exhibit is introduced or Plaintiffs otherwise make reference to the portion of the SHST trial testimony in which Mr. LaSalle mistakenly testified he told Disney about the letter he received from Mr. Perlman's attorneys, Defendant reserves the right to offer counter-designated testimony that Mr. LaSalle's recollection was not accurate and his discussions with Disney had terminated before he received the letter.		22	3	22	3			
12	10	12	13			22	12	22	17			
12	17	12	23			90	18	91	6			
13	3	13	9	13:5-9: H: Hearsay to the extent offered to prove the truth that Mr. LaSalle does not own the MOVA assets, that they belong to Rearden, and that he should return them.		91	7	91	11			

Plaintiffs' Revised Designations

13	11	13	17			91	14	91	18			
33	20	33	21	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		91	19	91	24			
33	23	33	24	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		101	12	101	16			
34	3	34	20			102	12	102	14			
35	9	35	19			106	12	106	15			
37	2	37	7			107	4	107	7			
37	19	37	23			107	15	107	20			
42	20	42	21	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		107	21	109	4			

Plaintiffs' Revised Designations

109	7	109	9	402/403: Preliminary injunction order has been excluded by the Court's ruling on MIL 1.		112	15	112	16			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
109	11	109	20	109:19-20: MIL 1, 403: This implicitly violates the court's MIL 1 ruling excluding evidence of the court's credibility determinations. The follow-on questioning at pages 170:18-171:3 confirms that this question is intended to suggest to the jury that the court heard Mr. LaSalle's testimony and found that it was not credible.		113	5	113	8			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

110	2	110	9	MIL 1, 403: This implicitly violates the court's MIL 1 ruling excluding evidence of the court's credibility determinations. The follow-on questioning at pages 170:18-171:3 confirms that this question is intended to suggest to the jury that the court heard Mr. LaSalle's testimony and found that it was not credible.		114	2	114	13			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
110	16	111	7	111:3-7: MIL 1, 403: This implicitly violates the court's MIL 1 ruling excluding evidence of the court's credibility determinations. The follow-on questioning at pages 170:18-171:3 confirms that this question is intended to suggest to the jury that the court heard Mr. LaSalle's testimony and found that it was not credible.		114	15	114	19			

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

111	12	111	14	MIL 1, 403: This implicitly violates the court's MIL 1 ruling excluding evidence of the court's credibility determinations. The follow-on questioning at pages 170:18-171:3 confirms that this question is intended to suggest to the jury that the court heard Mr. LaSalle's testimony and found that it was not credible.		114	21	114	21			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
112	3	112	14	MIL 1: designation of this testimony and exhibit violates the Court's ruling on MIL 1 precluding the introduction of the Statement of Decision.		114	23	115	10			
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
164	10	164	16			115	11	118	3			
164	23	165	2			118	8	118	10			
165	10	165	22			118	14	118	18			
165	25	166	6			118	21	118	21			
166	8	166	8			119	6	120	14			

Plaintiffs' Revised Designations

166	12	166	12									
166	17	166	25									
170	18	171	3	MIL 1, 403: This violates the court's MIL 1 ruling excluding evidence of the court's credibility determinations. It is a not-so-subtle hint that the Court found Mr. LaSalle not to be credible . The follow-on questioning confirms this is precisely the inference the questioning is intended to cause the jury to make.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
173	2	173	5	MIL 1, 402, 403: This violates the court's ruling that only the fact of the court's statement of decision will come into evidence. These questions are even more confusing and prejudicial because they read from the court's tentative statements after the conclusion of the trial and not its final decision. Defendant continues to object to any evidence of the SHST decision being admitted.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
173	9	173	20	MIL 1, 402, 403: This violates the court's ruling that only the fact of the court's statement of decision will come into evidence. These questions are even more confusing and prejudicial because they read from the court's tentative statements after the conclusion of the trial and not its final decision. Defendant continues to object to any evidence of the SHST decision being admitted.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

173	25	174	3	MIL 1, 402, 403: This violates the court's ruling that only the fact of the court's statement of decision will come into evidence. These questions are even more confusing and prejudicial because they read from the court's preliminary musings after the conclusion of the trial and not its final decision. Defendant continues to object to any evidence of the SHST decision being admitted.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
174	8	175	23	MIL 1, 402, 403: This violates the court's ruling that only the fact of the court's statement of decision will come into evidence and that the jury will not be informed of any credibility determinations made by the court. These questions are even more confusing and prejudicial than the substance of the statement of decision because they read from the court's tentative statements after the conclusion of the trial and not its final decision. Defendant continues to object to any evidence of the SHST decision being admitted.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
176	4	176	22	MIL 1, 402, 403: This violates the court's ruling that only the fact of the court's statement of decision will come into evidence and that the jury will not be informed of any credibility determinations made by the court. These questions are even more confusing and prejudicial than the substance of the statement of decision because they read from the court's tentative statements after the conclusion of the trial and not its final decision. Defendant continues to object to any evidence of the SHST decision being admitted.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

177	5	178	2	MIL 1, 402, 403: This violates the court's ruling that only the fact of the court's statement of decision and the Ninth Circuit affirmance will come into evidence and that the jury will not be informed of any credibility determinations made by the court. Defendant continues to object to any evidence of the SHST decision and Ninth Circuit ruling being admitted. Nevertheless if the court is going to allow this evidence in, it should come in only through an instruction from the court. To be clear, even that limitation does not cure the prejudice to Defendant of admitting this evidence.								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
Greg LaSalle - February 14, 2023 30(b)(6)												
9	2	9	9			63	12	63	14			
9	15	9	18			63	17	63	17			
10	7	10	9			63	21	63	23			
10	23	11	2			63	25	64	5			
11	18	11	22			64	8	64	8			
12	21	12	24			65	5	65	8			
13	5	13	5			72	23	73	3			
13	14	13	23			73	7	73	12			
14	3	14	23			73	14	73	20			
15	2	15	7			80	9	80	15			
17	7	17	14			80	18	80	19			
17	16	18	6			81	20	81	21			

Plaintiffs' Revised Designations

18	15	18	17	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	81	24	82	1			
18	23	18	23	106: the answer to the question is omitted.	83	14	83	14			
19	3	19	4	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	83	18	84	4			
19	8	19	13	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	86	9	86	12			

Plaintiffs' Revised Designations

19	16	19	17	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		86	19	86	25			
20	15	20	17	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		91	12	91	14			
20	19	20	22	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		91	20	91	22			

Plaintiffs' Revised Designations

20	24	20	24	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	92	2	92	6			
27	13	27	18	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	92	9	92	11			
46	18	47	10	46:18-47:2: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.	92	13	92	14			
47	13	47	15		92	17	92	17			

Plaintiffs' Revised Designations

49	14	49	23	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
50	16	50	20	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: The question paraphrases out-of-court statements in a document that are being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
51	15	51	19	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

52	4	52	14	52:4-11: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				52:12-14: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
52	18	53	7	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
53	9	53	9	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
53	24	54	2	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
54	4	54	9	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								

Plaintiffs' Revised Designations

54	11	54	17	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
54	21	54	22	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
55	6	55	6	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
55	10	55	19	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
56	6	56	8	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
56	19	56	21	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								

Plaintiffs' Revised Designations

58	4	58	7	<p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p> <p>F: calls for speculation, lacks foundation - LaSalle testified he is speculating, and that his testimony is based on the content of a hearsay document.</p>								
58	10	59	1	<p>402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct</p> <p>H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.</p> <p>F: calls for speculation, lacks foundation - LaSalle testified he is speculating, and that his testimony is based on the content of a hearsay document.</p>								

Plaintiffs' Revised Designations

61	2	61	22	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				61:2-5: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
62	9	62	16	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
62	22	63	2	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								

Plaintiffs' Revised Designations

63	6	63	8	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
63	10	63	10	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
65	16	66	2	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
66	6	66	10	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

66	21	67	3	66:21-25: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				67:1-3: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
67	5	67	10	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
68	10	68	13	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

68	15	68	19	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
68	21	69	4	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
				68:21-22: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

69	7	69	25	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
70	2	70	18	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
70	21	71	6	70:21-24: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
71	19	71	19									

Plaintiffs' Revised Designations

74	12	75	19	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
77	2	77	5	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
77	15	77	19	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

78	5	78	11	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.							
79	5	79	16	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.							
79	18	79	22	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct							
79	24	79	25	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct							
82	3	82	4	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct							

Plaintiffs' Revised Designations

82	7	82	15	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
82	20	82	24	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
83	10	83	13	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
87	11	87	14	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
87	18	87	19	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

87	22	88	2	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct H: This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
88	6	88	7	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
88	10	88	10	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
89	14	89	16	Vague as to time and as to whether the question is referring to TO 13 or the general process. 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
89	19	89	20	Vague as to time and as to whether the question is referring to TO 13 or the general process. 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
91	1	91	6	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								

Plaintiffs' Revised Designations

91	10	91	11	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct								
LaSalle, Greg - SHST Trial Vol. 1 (SHST ECF No. 383)												
37	2	37	10	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
192	21	193	5	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
193	16	193	22	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
195	4	195	8	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

198	23	200	4	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
204	4	204	12	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
204	13	204	16	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
205	3	205	10	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
206	3	207	2	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

207	14	207	17	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
208	9	209	22	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
LaSalle, Greg - SHST Trial Vol. 2 (SHST ECF No. 384)												
236	21	237	23	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.			266	12	266	20		
237	24	238	6	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.			271	14	271	16		
238	11	239	3	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.			272	9	272	11		

Plaintiffs' Revised Designations

240	21	241	3	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.			287	5	287	7		
241	14	242	15	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.			314	6	314	17		
242	16	242	18	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.			315	6	315	25		
243	8	244	22	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.			316	10	316	16		
245	18	246	18	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

247	24	248	14	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
248	21	248	24	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
248	25	249	17	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
251	18	256	15	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
256	24	257	8	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

257	18	258	15	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
258	16	259	12	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
261	8	262	5	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
262	6	262	15	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
262	18	263	1	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

263	2	263	2	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
263	9	264	11	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
264	12	265	14	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
265	15	266	9	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
266	10	266	18	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

				266:14-18 - 402/403. As the court noted at 266:21-23 this question gets into esoteric areas of gift tax law and "further exploration of this topic in my judgment is not relevant." The question and answer will be confusing and misleading to a jury.								
266	25	267	10	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
267	17	268	5	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
268	18	271	13	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
272	12	273	2	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

273	3	274	7	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
274	24	275	17	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
275	18	276	19	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
276	20	276	21	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
277	3	279	16	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

				279:5-8, 13-15: Court rulings are not binding on Defendant and are inappropriate for testimonial designations								
280	18	281	24	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
283	18	284	13	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
284	18	287	4	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
				284:18-285:10: 402/403 - questions and answers about patents and trademarks are irrelevant and confusing as there are no patent or trademark infringement claims at issue.								
287	15	288	13	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

288	14	289	6	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
289	7	290	8	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
291	20	292	5	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
292	6	293	2	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
293	10	294	5	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

294	7	295	7	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
				Hearsay to the extent offered to prove the truth of the statement that Mr. LaSalle had "an obligation to return the Mova assets to Rearden" and the statements recited at 294:23-295:6								
295	13	296	2	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
296	12	296	23	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
				Hearsay to the extent offered to prove the truth of the statement that "under your PIIA agreement the Mova assets belonged to Rearden."								
298	2	299	10	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

300	17	301	4	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.							
301	5	301	20	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.							
				Hearsay to the extent offered to prove the truth of the statement that "all invoices up to and including December 31st 2012 have been paid by Rearden."							
301	21	303	7	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.							
303	24	304	5	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.							

Plaintiffs' Revised Designations

304	6	305	11	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
305	12	307	2	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
307	3	309	4	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
				307:16-308:3: 02/403 - patents assignments are irrelevant and confusing as there are no patent infringement claims at issue.								
309	11	310	2	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

310	3	311	17	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
311	18	312	21	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

Gary Lauder – February 13, 2023												
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Ruling
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End		
8	15	9	4				37	17	38	14	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.	

Plaintiffs' Revised Designations

9	13	9	25	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.	39	7	39	9		
18	11	18	18	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		39	18	39	21		

Plaintiffs' Revised Designations

19	14	19	18	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			39	22	40	11		
23	10	23	15	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			41	7	42	9		
25	12	27	11				42	14	43	8		
31	9	31	12				43	10	43	10		
33	1	33	7	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			45	11	45	12		

Plaintiffs' Revised Designations

33	24	34	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			45	14	45	15		
34	12	34	14	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			49	5	49	22		
34	23	35	1	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			69	11	69	12		
37	9	37	16				70	20	71	13		

Plaintiffs' Revised Designations

54	16	54	25	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			75	23	76	14		
55	20	56	4				78	7	78	10		
57	13	57	15	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			78	12	78	13		
77	10	77	14				80	5	80	9		
77	16	77	24				80	10	80	14		
78	15	78	19	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			80	16	80	17		

Plaintiffs' Revised Designations

78	21	79	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			97	15	97	23		
79	11	79	14				104	10	104	20		
79	16	79	25				149	20	149	24		
80	1	80	4	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			150	1	150	4		
				81:5-7: NR - Everything after "No" is not responsive to the question and should be stricken.								
81	19	81	23	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

97	8	97	14	97:11-14: NR - Everything after "No" is not responsive to the question and should be stricken.								
97	24	99	2									
100	5	101	21	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
146	8	146	16									
147	16	147	23	147:19-23: NR - Everything after "No" is not responsive to the question and should be stricken.								
149	11	149	13									
149	16	149	18									
150	6	150	11									
150	13	151	19									

Plaintiffs' Revised Designations

Hao Li - May 28, 2020											
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End	
6	8	6	15				46	14	46	18	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.
8	23	10	11				47	1	47	2	
50	20	51	1				48	1	48	4	
51	15	51	18				48	12	49	15	
52	4	54	1				54	2	55	7	
55	8	55	23				99	19	99	22	
57	16	59	8				126	8	126	13	

Plaintiffs' Revised Designations

65	12	66	2	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.	127	17	127	20		
66	7	67	25			127	25	128	12		
68	5	68	5			130	20	131	6		
68	18	70	5			148	15	150	7		
70	10	70	15								
71	5	72	3								
91	24	96	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).							

Plaintiffs' Revised Designations

98	20	99	18	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
108	19	109	4									
146	10	147	1									
151	3	151	13									
151	18	152	12									
161	12	161	22	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
161	25	162	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

162	10	162	14	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
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Plaintiffs' Revised Designations

Kevin Mayer - February 10, 2023												
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Ruling
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End		
9	7	9	13				95	23	96	8	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.	

Plaintiffs' Revised Designations

9	19	9	23	9:22-23: 402 - the witness's home address is not relevant; there is no legitimate reason to disclose it publicly	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.							
17	23	18	6									
19	15	19	24									
39	2	39	5									
39	14	39	18									
40	23	40	25	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

41	14	42	10									
42	20	43	5									
45	3	45	7									
46	13	46	18	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
47	4	47	11	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
50	16	50	17									
51	2	51	8									
51	12	51	21									
52	7	53	21									
53	23	54	1									
56	2	56	5									
57	6	57	24									
59	10	59	15									
62	9	62	20									
63	2	63	5									
63	19	64	3									
77	9	77	20									
78	1	78	9									
78	13	79	25									
80	6	81	10									

Plaintiffs' Revised Designations

Gayle Munro – March 10, 2023														
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Defendant's Confidentiality Designation	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Defendant's Confidentiality Designation	Ruling
Page Start	Line Start	Page End	Line End					Page Start	Line Start	Page End	Line End			
4	25	5	4					7	12	7	20	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.		
5	9	5	11					8	25	9	15			
5	19	5	22					93	11	93	25			
6	2	6	6					94	3	94	15			
6	19	6	24					94	21	95	5			
88	21	89	15					101	18	103	3			
94	16	94	20					109	2	109	6			
95	6	95	16					109	8	109	16			
104	2	104	3					109	18	109	22			
109	23	110	4					113	24	114	8			
113	3	113	14					115	2	115	19			
113	20	113	23					122	3	122	6			
114	9	114	15					122	8	122	8			
114	18	114	23					136	14	136	16			

Plaintiffs' Revised Designations

120	13	120	15	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.			149	8	149	19			
121	6	121	18	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				150	2	150	5			
121	20	121	21	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				150	14	150	17			

Plaintiffs' Revised Designations

121	23	122	2	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				150	18	150	19			
135	17	135	18	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				150	21	150	22			
135	24	135	25	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				150	24	151	1			
142	21	143	10	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury.				151	3	151	6			

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											
146	4	146	16	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury.				151	13	151	22				
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											
148	22	149	5					152	21	152	22				
151	8	151	9					153	8	153	16				
152	14	152	20					159	22	159	25				
152	23	153	7	153:1-7: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				162	3	162	4				
158	24	159	5					162	7	162	12				
159	11	159	20					162	17	162	22				
160	1	160	3					163	1	163	1				
160	6	160	12					164	3	164	4				
160	14	160	23					164	6	164	7				
161	2	161	6					164	9	164	11				
161	9	161	10					164	14	164	18				
161	18	161	22					177	6	177	9		Confidential		

Plaintiffs' Revised Designations

161	24	162	1				177	13	177	17		Confidential	
162	13	162	16	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).			181	15	181	19			
165	19	166	6	165:19-166:3: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		Confidential	181	21	182	6			
166	10	166	16			Confidential	182	10	183	1			
167	3	167	10			Confidential	185	11	186	2			
167	17	168	2			Confidential	186	4	186	17			
168	6	168	14			Confidential	186	18	186	20			
168	17	168	24			Confidential	186	24	187	13			
169	15	169	18	L - This question calls for the witness to offer a legal conclusion as to the meaning of a contract.		Confidential	187	16	187	19			
169	25	170	8			Confidential	190	4	190	9			
170	11	170	15			Confidential	190	25	191	15			
170	18	171	3			Confidential	196	14	197	4			
171	7	171	10			Confidential	199	5	199	14			
171	14	171	24			Confidential	238	24	239	19			
172	2	173	13			Confidential	239	21	240	9			
173	22	174	2			Confidential	240	11	240	16			
174	13	174	19	174:18-19: MIL 5, 403 - The Court has excluded evidence of the indemnification provision in this contract under FRE 403; that provision is visible on screen during this portion of the witness’s testimony and may not be published to the jury. Defendant will withdraw this objection if Plaintiffs redact the portion of the screen that displays the indemnification provision.		Confidential	240	20	240	24			

Plaintiffs' Revised Designations

174	24	175	2	MIL 5, 403 - The Court has excluded evidence of the indemnification provision in this contract under FRE 403; that provision is visible on screen during this portion of the witness's testimony and may not be published to the jury. Defendant will withdraw this objection if Plaintiffs redact the portion of the screen that displays the indemnification provision.		Confidential		241	1	241	6			
175	5	175	9	MIL 5, 403 - The Court has excluded evidence of the indemnification provision in this contract under FRE 403; that provision is visible on screen during this portion of the witness's testimony and may not be published to the jury. Defendant will withdraw this objection if Plaintiffs redact the portion of the screen that displays the indemnification provision.		Confidential								
175	12	175	18	MIL 5, 403 - The Court has excluded evidence of the indemnification provision in this contract under FRE 403; that provision is visible on screen during this portion of the witness's testimony and may not be published to the jury. Defendant will withdraw this objection if Plaintiffs redact the portion of the screen that displays the indemnification provision.		Confidential								
				175:15-18: L - This question calls for the witness to offer a legal conclusion as to the meaning of a contract.		Confidential								
175	21	175	21			Confidential								
175	25	176	1	MIL 5, 403 - The Court has excluded evidence of the indemnification provision in this contract under FRE 403; that provision is visible on screen during this portion of the witness's testimony and may not be published to the jury. Defendant will withdraw this objection if Plaintiffs redact the portion of the screen that displays the indemnification provision.		Confidential								
176	10	176	13			Confidential								
176	16	176	21	176:18-21: L - This question calls for the witness to offer a legal conclusion as to the meaning of a contract.		Confidential								
176	25	177	4			Confidential								
177	19	177	22			Confidential								

Plaintiffs' Revised Designations

177	25	178	6	178:3-6: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		Confidential									
178	10	178	10	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).		Confidential									
180	2	180	15												
180	17	180	18												
181	4	181	14	181:1-14: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											
195	3	195	21	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct.											
195	23	196	9	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct.											
196	11	196	12	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct.											

Plaintiffs' Revised Designations

Pearce, Ken - SHST Trial Vol. 2 (SHST ECF No. 384)											
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End	
321	21	322	3	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.						Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignations.
Pearce, Ken - SHST Trial Vol. 3 (SHST ECF No. 385)											

Plaintiffs' Revised Designations

430	4	433	7	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.							
433	8	433	18	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

434	2	434	10	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
434	16	434	24	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
435	6	437	13	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
437	16	437	18	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
438	18	441	9	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

441	10	442	24	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
444	8	445	10	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								
445	14	446	20	804(b)(1): Rearden cannot offer SHST trial testimony against Defendant because no party to the SHST litigation is a predecessor in interest to Defendant, and the parties to the SHST litigation did not have a similar motive to develop the testimony.								

Plaintiffs' Revised Designations

Kelly Port – February 5, 2023											
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End	
9	15	9	17				14	10	14	12	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.
9	20	9	21				101	10	102	20	
12	3	12	21				108	14	109	5	

Plaintiffs' Revised Designations

14	7	14	8	<p>FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).</p>	<p>Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.</p>							
14	13	14	13	<p>FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).</p>								
31	6	31	11	<p>31:6-7: V. Question does not make sense as phrased.</p>								

Plaintiffs' Revised Designations

42	5	42	7	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
45	3	45	21	45:11: 402. Counsel's objections should not be included.								
45	23	45	23									
46	2	46	5									
46	10	46	13									
47	12	47	16	V, 103. Question is vague as to whether it is referring to all data captured in a session or just selected data; improperly assumes it is all data, contrary to the evidence.								
47	19	47	25	47:22-25: V, 103. Question is vague as to whether it is referring to all data captured in a session or just selected data; improperly assumes it is all data, contrary to the evidence.								
48	2	48	2									
49	20	50	16	402/403, MIL 1. Document is excluded per ruling on MIL 1, testimony about the existence of an injunction is prejudicial and irrelevant given the Court's MSJ ruling.								
51	19	51	21	V, 402, 403. Vague as to "state of completion"; evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
52	1	52	8	52:1-4: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
				52:5-8: 402, 403. Evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling.								
52	12	52	20									
52	24	53	13	402, 403, H. Evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling; document is being offered for the truth and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								

Plaintiffs' Revised Designations

54	23	55	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
				54:23-55:1: 402, 403, H. Evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling; document is being offered for the truth and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record.								
55	7	55	9	402, 403, H, ATT, ARG. Evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling; document is being offered for the truth and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record. Counsel is simply reading his own interpretation of the document into the record after the witness has said he doesn't recall it.								

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
55	12	55	19	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
				55:15-18: 402, 403, H, ATT, ARG. Evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling; document is being offered for the truth and no hearsay exception applies. The statements are not admissions of a party opponent and no foundation has been laid to show the document is a business record. Counsel is simply reading his own interpretation of the document into the record after the witness has said he doesn't recall it.								
103	5	103	8	402, 403. Evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling								
103	11	103	19	103:13-15: 402, 403. Evidence of the injunction and post-injunction DD3 work is irrelevant given the Court's MSJ ruling								

Plaintiffs' Revised Designations

103	21	104	11									
104	16	104	18									
104	20	105	6	105:5-6: 701, S, V, Improper re-cross. Calls for an expert opinion and speculation, vague as to "important contribution" and exceeds the scope of the re-direct exam.								
105	11	105	17									
105	22	106	1									
106	8	106	10									
106	14	106	16	701, S, V, Improper re-cross. Calls for an expert opinion and speculation, vague as to "important" and "contribution" and exceeds the scope of the re-direct exam.								
106	21	107	4	106:23-107: V, S. Vague as to "the production side of the film" and calls for speculation.								
107	7	107	15									
107	17	107	17									
107	21	107	24	107:23-24: 701, S, V, Improper re-cross. Calls for an expert opinion and speculation, vague as to "important" and "contribution" and exceeds the scope of the re-direct exam.								
108	3	108	4									
109	12	109	14	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								
109	20	109	22	109:20-21: 402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.								

Plaintiffs' Revised Designations

Mimi Steele - March 11, 2020														
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Defendant's Confidentiality Designation	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Defendant's Confidentiality Designation	Ruling
Page Start	Line Start	Page End	Line End					Page Start	Line Start	Page End	Line End			
7	3	7	7					10	23	11	18	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.		
7	10	7	14					11	20	11	20			
7	17	7	20					23	15	24	12			
8	10	8	18					24	23	25	6			
9	15	9	17					27	5	27	10			
9	25	10	8					27	21	27	24			
10	14	10	22					115	7	115	25			
22	22	23	2					120	12	121	2			
23	4	23	14					125	3	125	20			

Plaintiffs' Revised Designations

24	15	24	22	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Disney’s objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney’s objections as excessive. Rearden incorporates this response into each and every Disney objection.											
27	25	28	13													
48	5	48	11	DOC - This testimony concerns a document that is not a trial exhibit and may not be published to the jury.												
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).												

Plaintiffs' Revised Designations

48	19	48	22	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
				48:22: Defendant objects to the incomplete designation of a question without an answer.										
69	5	69	15											
70	8	70	14											
72	17	73	3											
110	2	110	11	DOC, 402/403 - This testimony concerns a document that is not a trial exhibit and may not be published to the jury; further, evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.										
111	22	111	24	402, 403: Evidence of post-injunction conduct] is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.										
112	2	112	2	402, 403: Evidence of post-injunction conduct] is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.										
112	4	112	21	402, 403: Evidence of post-injunction conduct] is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.										
113	18	114	7											
114	11	114	14											
114	22	114	22											

Plaintiffs' Revised Designations

116	15	117	16	116:20-21: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
117	21	118	3	117:23-118:3: 403/O - Any probative value is outweighed by the prejudicial risk of the jury drawing an improper adverse inference from Defendant’s assertion of privilege over the referenced communications with counsel.										
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
118	5	118	5	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
119	3	119	13											
124	4	124	20											
128	8	128	16											

Plaintiffs' Revised Designations

128	18	129	8	129:7-8: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
129	10	129	24	129:10: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
Mimi Steele - February 13, 2023														
7	5	7	7					7	15	7	22			
7	12	7	14					22	19	23	11			
7	23	8	3					24	18	25	1			
8	5	8	5					32	19	32	21			
17	4	17	5	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct.				32	25	33	5			
17	9	17	14	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct.				33	7	33	9			
17	22	18	8	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct.				37	1	37	3			

Plaintiffs' Revised Designations

18	14	18	16	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. In addition, this testimony is likely to confuse the jury because Plaintiffs have not designated the prior line of questions referred to in this question.				37	8	37	15			
18	18	18	25	402/403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				40	25	41	12			
19	2	19	12	402/403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				48	3	48	7			
22	1	22	9	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				60	11	60	15		Confidential	
22	15	22	18	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				67	10	67	21		Confidential	
23	12	23	14	402/403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				68	17	70	11		Confidential	
23	18	23	19	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				70	12	73	6		Confidential	
24	4	24	17	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				73	9	74	5			
25	2	25	6	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				82	2	83	6			

Plaintiffs' Revised Designations

25	12	25	19	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				83	8	83	9			
26	2	26	13	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				83	11	83	14			
26	15	26	15	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				83	19	83	19			
28	11	28	23					83	21	83	22			
29	3	32	18	402, 403, H: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, this document is being offered for the truth of the matter asserted, and no hearsay exception applies. These are not statements of a party opponent and no foundation has been laid to show this document is a business record or subject to any other exception.				83	24	83	24			
35	25	36	2	402, 403, H: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, this document is being offered for the truth of the matter asserted, and no hearsay exception applies. These are not statements of a party opponent and no foundation has been laid to show this document is a business record or subject to any other exception.				84	1	84	2			

Plaintiffs' Revised Designations

36	6	36	13	402, 403, H: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, this document is being offered for the truth of the matter asserted, and no hearsay exception applies. These are not statements of a party opponent and no foundation has been laid to show this document is a business record or subject to any other exception.				84	4	84	4			
36	19	36	19	402, 403, H: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, this document is being offered for the truth of the matter asserted, and no hearsay exception applies. These are not statements of a party opponent and no foundation has been laid to show this document is a business record or subject to any other exception.				84	6	84	8			
37	19	37	22	402, 403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				84	10	84	15			
38	1	38	5	402, 403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				84	17	84	17			
40	10	40	24	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				84	19	85	13			

Plaintiffs' Revised Designations

41	13	41	21	402, 403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.				86	14	86	18			
41	23	41	24	402, 403, O: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.; further, any probative value is outweighed by the risk of the jury drawing an improper adverse inference from Defendant's assertion of privilege over the referenced communications with counsel.										
42	6	42	8	402, 403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.										
42	10	42	12	402, 403, O: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, any probative value is outweighed by the risk of the jury drawing an improper adverse inference from Defendant's assertion of privilege over the referenced communications with counsel.										
44	2	44	5	402, 403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.										

Plaintiffs' Revised Designations

44	7	44	8	402, 403, O: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, any probative value is outweighed by the risk of the jury drawing an improper adverse inference from Defendant's assertion of privilege over the referenced communications with counsel.										
44	19	45	4	402, 403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.										
45	8	45	9	402, 403, H: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, the email being referred to is being offered by Plaintiffs for the truth of the matter asserted and no hearsay exception applies. These are not statements of a party opponent and no foundation has been laid to show the document is a business record.										
45	16	45	16	402, 403, H: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, the email being referred to is being offered by Plaintiffs for the truth of the matter asserted and no hearsay exception applies. These are not statements of a party opponent and no foundation has been laid to show the document is a business record.										

Plaintiffs' Revised Designations

45	22	45	25	402, 403, H: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct; further, the email being referred to is being offered by Plaintiffs for the truth of the matter asserted and no hearsay exception applies. These are not statements of a party opponent and no foundation has been laid to show the document is a business record.										
47	13	47	15	402/403/MIL 7 - For the reasons stated in Defendant's MIL No. 7, evidence of the "copyright notice" is not relevant and any probative value is substantially outweighed by the risk of confusing the issues, misleading the jury, and prejudicing Defendant.										
47	22	47	23	402/403/MIL 7 - For the reasons stated in Defendant's MIL No. 7, evidence of the "copyright notice" is not relevant and any probative value is substantially outweighed by the risk of confusing the issues, misleading the jury, and prejudicing Defendant.										
47	25	48	1	402/403/MIL 7 - For the reasons stated in Defendant's MIL No. 7, evidence of the "copyright notice" is not relevant and any probative value is substantially outweighed by the risk of confusing the issues, misleading the jury, and prejudicing Defendant.										
48	8	48	9	402/403/MIL 7 - For the reasons stated in Defendant's MIL No. 7, evidence of the "copyright notice" is not relevant and any probative value is substantially outweighed by the risk of confusing the issues, misleading the jury, and prejudicing Defendant.										
48	11	48	11	402/403/MIL 7 - For the reasons stated in Defendant's MIL No. 7, evidence of the "copyright notice" is not relevant and any probative value is substantially outweighed by the risk of confusing the issues, misleading the jury, and prejudicing Defendant.										

Plaintiffs' Revised Designations

48	13	48	16	402/403/MIL 7 - For the reasons stated in Defendant's MIL No. 7, evidence of the "copyright notice" is not relevant and any probative value is substantially outweighed by the risk of confusing the issues, misleading the jury, and prejudicing Defendant. Further, Defendant objects to the incomplete designation of a question without the accompanying answer.										
48	21	48	25	402/403/MIL 7 - For the reasons stated in Defendant's MIL No. 7, evidence of the "copyright notice" is not relevant and any probative value is substantially outweighed by the risk of confusing the issues, misleading the jury, and prejudicing Defendant.										
49	16	51	20			Confidential								
52	15	52	21			Confidential								
53	2	54	15			Confidential								
55	1	55	18			Confidential								
56	6	56	9			Confidential								
56	12	56	20			Confidential								
57	6	57	11			Confidential								
57	25	58	2			Confidential								
58	4	58	7			Confidential								
58	9	58	9			Confidential								
58	13	58	22			Confidential								
59	19	60	3			Confidential								
60	16	61	24			Confidential								
62	3	62	7			Confidential								
62	9	63	2			Confidential								

Plaintiffs' Revised Designations

Dan Stevens – February 7, 2023													
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Defendant's Confidentiality Designation	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Ruling
Page Start	Line Start	Page End	Line End					Page Start	Line Start	Page End	Line End		
5	23	6	5					21	25	22	6	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.	

Plaintiffs' Revised Designations

6	8	6	16	6:12-16: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney’s objections as excessive. Rearden incorporates this response into each and every Disney objection.			22	7	22	24		
9	1	9	2					35	22	36	4		
9	7	9	12			Confidential		46	22	46	25		
17	10	17	20			Confidential		49	8	49	10		
21	4	21	24					49	13	49	14		
31	16	33	12					49	16	49	23		
33	17	35	21					50	1	50	9		
36	6	39	13					52	1	52	13		
40	11	40	14					52	19	53	11		
40	15	42	2										
42	4	42	12	42:8-12: Arg, 103. Misstates the testimony and assumes the witness is talking about something he is not.									
42	15	42	21	42:19-21: Arg, 103. Misstates the testimony and assumes the witness is talking about something he is not.									
42	23	43	1										
43	4	43	6										
43	9	44	7										
44	9	44	11										
44	14	44	16										
44	19	45	10										

Plaintiffs' Revised Designations

45	12	45	18										
45	20	45	20										
45	22	46	21										
47	1	48	25	48:15-22: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).									
49	2	49	7										
50	11	50	12										
50	14	50	16										
50	18	51	25	50:24-51:20: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).									

Plaintiffs' Revised Designations

David Taritero - March 3, 2023														
Plaintiffs' Designations				Defendant's Objections	Rearden's Response		Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Defendant's Confidentiality Designation	Ruling
Page Start	Line Start	Page End	Line End			Defendant's Confidentiality Designation		Page Start	Line Start	Page End	Line End			
9	10	9	17					89	2	89	7	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.		

Plaintiffs' Revised Designations

9	25	10	5	10:3-5: 402- The witness's home address is not relevant; there is no legitimate reason to disclose it publicly	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.			92	4	92	12			
14	9	14	13	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury				107	6	107	8			
20	10	21	22	20:12-13: ATT, 402, 403 - Attorney objections are not relevant and may cause the jury to draw improper and prejudicial inferences. All objections and colloquy should be omitted				107	13	107	16			
24	9	24	19					107	18	107	21			
25	10	25	22					108	16	108	21			
26	17	26	20	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury				115	18	115	23			
27	5	27	10	DOC, F - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury; Mr. Taritero testified that he does not know how this webpage is created and therefore lacks foundation to testify about it				116	22	117	2		Confidential	

Plaintiffs' Revised Designations

29	6	29	9	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury				132	23	133	14			
29	21	29	23	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury				139	15	139	22			
30	12	30	22	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury				144	9	144	13			
31	22	32	20	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury				144	21	145	6			
34	5	34	8					190	13	191	8			
42	14	43	2					191	9	193	1			
43	18	43	24											
83	6	83	15											
83	19	83	21											
85	5	85	10	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury										
85	21	85	24	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury										
86	2	86	7	DOC - A document is displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury										
86	14	86	16	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury										
87	1	87	19	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury										
87	23	87	25											
88	7	88	11											
88	18	89	1											
90	19	90	22											

Plaintiffs' Revised Designations

91	1	91	1														
91	4	91	7														
91	23	92	3														
92	25	93	7														
93	12	93	12														
94	5	94	9	ATT, 402, 403 - Attorney colloquy is not relevant and may cause the jury to draw improper and prejudicial inferences. All objections and colloquy should be omitted													
94	17	94	19														
95	7	95	9														
95	19	95	21														
96	3	96	20	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct													
96	25	97	8	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct.													
97	15	99	18	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct													
99	22	99	23	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct													
99	25	100	3	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct													
100	23	101	2	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct													
101	8	101	9	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct													
106	20	107	5	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct													

Plaintiffs' Revised Designations

109	17	111	3	110:4-111:3: 402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
114	5	114	14	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
114	18	114	19	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
115	10	115	17	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury 402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
115	24	115	25	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury												
116	17	116	21	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury 402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
117	3	117	8				Confidential									
117	13	117	16				Confidential									
117	20	117	25				Confidential									
118	7	118	22				Confidential									
119	16	120	18				Confidential									
120	22	120	25				Confidential									
121	13	121	15				Confidential									
121	19	121	25				Confidential									

Plaintiffs' Revised Designations

122	21	124	4	122:21-22: 403 - The Court has excluded evidence of the indemnification provision in this contract under FRE 403; that provision is visible on screen during this portion of the witness's testimony and may not be published to the jury. Defendant will withdraw this objection if Plaintiffs redact the portion of the screen that displays the indemnification provision.		Confidential									
				122:25-123:7: MIL 5, 403 - The Court has excluded evidence of the indemnification provision in this contract under FRE 403; that provision is visible on screen during this portion of the witness's testimony and may not be published to the jury. Defendant will withdraw this objection if Plaintiffs redact the portion of the screen that displays the indemnification provision.		Confidential									
124	8	124	16			Confidential									
124	21	125	3			Confidential									
125	8	125	12			Confidential									
125	15	125	25			Confidential									
126	5	126	6			Confidential									
126	19	126	22			Confidential									
127	1	127	7	127:3-7: 402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct											
128	6	128	8	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											

Plaintiffs' Revised Designations

128	13	128	16	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).												
129	17	130	11													
131	25	132	12													
132	17	133	14	132:22-133:14: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).												
136	6	136	25	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).												
138	24	139	6													
139	12	139	13													
139	23	139	24													
140	5	140	8													
141	17	141	22													
142	4	142	20													

Plaintiffs' Revised Designations

143	5	143	10	FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											
143	15	143	16												
143	20	144	13	144:8-13: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											
145	17	146	4	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury											
146	10	146	21	146:10-17: DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury											
146	24	147	9	147:4-9: DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury											
147	13	148	5	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury											

Plaintiffs' Revised Designations

148	10	148	14	402, 403: The Court has excluded the preliminary injunction order. Dkt. 584. Moreover, evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct										
148	22	149	9	402, 403: The Court has excluded the preliminary injunction order. Dkt. 584. Moreover, evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct										
153	23	154	12	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct										
				154:9-12: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
157	3	157	8	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct										
167	10	167	14		Confidential									
168	8	168	10		Confidential									
168	16	169	5		Confidential									
169	11	169	19		Confidential									
169	23	169	23		Confidential									
171	4	171	14		Confidential									
172	4	172	15		Confidential									
172	22	174	20		Confidential									
176	6	176	13	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury										

Plaintiffs' Revised Designations

177	13	177	13	DOC - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury												
181	7	181	8													
181	11	181	11													
182	2	182	11													
182	16	183	1													
183	21	184	2	183:25-184:2: 402, 403: Evidence of the injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
184	15	184	24	402, 403: Evidence of injunction and/or post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
193	6	193	8	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).												
193	24	194	5	402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct												

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											
196	8	196	14	196:8-10: 402, 403: Evidence of post-injunction conduct is irrelevant in light of the Court’s summary judgment ruling that Defendant is not liable for any post-injunction conduct 196:11-14: ATT, 402, 403 - Attorney objections are not relevant and may cause the jury to draw improper and prejudicial inferences. All objections and colloquy should be omitted											
				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).											

Plaintiffs' Revised Designations

Emma Watson – April 18, 2023														
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Defendant's Confidentiality Designation	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Defendant's Confidentiality Designation	Ruling
Page Start	Line Start	Page End	Line End					Page Start	Line Start	Page End	Line End			
8	9	8	16					14	23	15	6	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignati on.		
13	17	13	24					28	2	28	11			

Plaintiffs' Revised Designations

15	19	16	6	15:19-16:3: DOC, F, H - This testimony concerns a document (displayed on screen in the deposition video) that is not a trial exhibit and may not be published to the jury; the questions contain hearsay from that document being offered for truth; Ms. Watson testified that she is not familiar with this document and therefore lacks foundation to testify about it.	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.			37	12	39	5		Confidential	
				15:19-16:6: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).										
17	3	17	10					41	19	42	18			

Plaintiffs' Revised Designations

18	9	19	3	18:23-19:3: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).				42	19	43	4			
22	7	22	20					43	5	44	2			
23	12	23	22											
23	25	24	15											
24	22	25	7											
27	7	28	1											
29	2	29	2											
29	5	29	8											
29	13	29	17	106, 403 - Defendant does not object to the use of clips as demonstratives to facilitate a more efficient presentation of evidence, but objects to this clip (TX343) coming into evidence as a stand-alone exhibit under FRE 106 and FRE 403 because it is misleading and prejudicial for the jury consider only the short snippet of this press conference that addressed MOVA in isolation; in fairness, the full press conference must be submitted to the jury at the same time.										
29	20	30	11											
30	14	30	16											
30	19	31	3											
33	3	33	4			Confidential								
35	19	35	24			Confidential								
36	13	36	22			Confidential								
37	3	37	23			Confidential								
38	7	38	9			Confidential								
38	15	38	19			Confidential								
39	7	39	9			Confidential								
41	2	41	4											
41	8	41	8											

Plaintiffs' Revised Designations

Oliver "O.D." Welch – February 8, 2023												
Plaintiffs' Designations				Defendant's Objections	Rearden's Response	Ruling	Defendant's Counter-Designations				Plaintiffs' Objections	Ruling
Page Start	Line Start	Page End	Line End				Page Start	Line Start	Page End	Line End		
10	18	10	22	402 - Objection only as to the witness's home address; it is not relevant; there is no legitimate reason to disclose it publicly.	Disney's objections are too numerous and so lacking in merit that Rearden will not respond individually. Often, testimony Disney claims was not previously designated was, in fact, designated previously. Many objections to the form of the question that should have been asserted in the deposition and were not, so they are waived. Many presume or assert that the Court has excluded evidence where in fact there is no such order. Many assert that objections or colloquy has been designated when in fact there is none in the designation. Many are not evidentiary objections but rather Disney arguing its theory of the case or arguing with the witness over testimony that it does not like. Many are relevance objections that the Court has stated would likely be overruled. Rearden requests that the Court overrule all of Disney's objections as excessive. Rearden incorporates this response into each and every Disney objection.		82	13	82	19	Disney's counterdesignations are not sequential with and do not relate to Rearden's designations, and thus will result in juror confusion. They should be stricken on that basis. Disney may offer them in its case in chief. Rearden incorporates this objection into each and every Disney counterdesignations.	
24	7	24	15	DOC This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			82	23	82	23		

Plaintiffs' Revised Designations

				FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
186	3	186	6	DOC; ATT; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. Attorney objections and colloquy are not relevant and may cause the jury to draw improper and prejudicial inferences and are a waste of the jury's time. All objections and colloquy should be omitted.			124	12	124	15		

Plaintiffs' Revised Designations

186	17	186	18	DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			190	6	190	13		
186	20	186	20	DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			200	15	200	21		
186	22	186	24	DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			210	1	210	16		

Plaintiffs' Revised Designations

187	6	188	14	187:6-9: ATTY; DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. Attorney objections and colloquy are not relevant and may cause the jury to draw improper and prejudicial inferences and are a waste of the jury's time. All objections and colloquy should be omitted.			210	18	210	18		
				187:6-9: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								

Plaintiffs' Revised Designations

			187:10-15: DOC; 402; 403; H Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and the document is not a business record.			210	20	210	25		
			187:16-19: DOC; 402; 403; H Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and the document is not a business record.			211	8	211	15		

Plaintiffs' Revised Designations

			187:20-23: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			211	16	212	9		
			187:20-23: FRCP 26/37, O – The Parties stipulated, and the Court ordered, the exchange of “narrowed affirmative designations” in light of the Court’s pretrial rulings. Dkt. 568. This testimony was designated by Rearden for the first time on November 8; it was therefore not timely disclosed under FRCP 26(a)(3) and the Case Management Order and should be excluded under FRCP 37(c)(1).								
			187:24-188:4: DOC; 402; 403; H Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and the document is not a business record.			221	16	221	20		

Plaintiffs' Revised Designations

			188:5-6: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			222	7	222	10		
			188:7-12: DOC; 402; 403; H Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and the document is not a business record.			222	12	222	12		
			188:13-14: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			238	14	238	16		

Plaintiffs' Revised Designations

188	23	189	18	188:23-189:4: DOC; 402; 403; H Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and the document is not a business record.			238	23	238	23		
				189:5-8: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			239	3	239	5		

Plaintiffs' Revised Designations

				189:9-18: DOC; 402; 403; H Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and the document is not a business record.			239	8	239	9		
199	2	199	17	199:2-7: ATTY; DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. Attorney objections and colloquy are not relevant and may cause the jury to draw improper and prejudicial inferences and are a waste of the jury's time. All objections and colloquy should be omitted.			239	11	239	14		

Plaintiffs' Revised Designations

				199:8-15: DOC; 402; 403; H Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury. This document is being offered for the truth of the matter asserted, and no hearsay exception applies. The statements are not admissions of a party opponent and the document is not a business record.			239	17	239	17		
				199:16-17: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			244	18	245	4		
199	21	200	2	199:21: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			245	7	245	14		

Plaintiffs' Revised Designations

				199:22-24: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			246	21	246	24		
				199:25-200:2: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			247	2	247	6		
200	4	200	10	200:4-6: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.			252	7	253	3		

Plaintiffs' Revised Designations

				200:7-10: DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.								
200	13	200	13	DOC; 402; 403 Evidence of the injunction and post-injunction conduct is irrelevant in light of the Court's summary judgment ruling that Defendant is not liable for any post-injunction conduct. This testimony concerns a document displayed on screen in the deposition video that is not a trial exhibit and may not be published to the jury.								